

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARCUS JE'VON MCFADDEN,

Civil No. 06-1106 (MJD/JSM)

Petitioner,

v.

ORDER

R.L. MORRISON, Warden,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated August 1, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241, (Docket No. 1), is GRANTED to the extent Petitioner requests a RRC eligibility determination without regard to 28 C.F.R. §§ 570.02 and .21.
2. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241, (Docket No. 1), is DENIED to the extent Petitioner seeks immediate transfer to a RRC or immediate determination of his RRC eligibility date.

Dated: September 5, 2006

s / Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge